



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

CNC  
F. #2013R00948

*610 Federal Plaza  
Central Islip, New York 11722*

February 10, 2014

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Federal Defenders of New York, Inc.  
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(By Hand Delivery)

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(By Federal Express)

Re: United States v. Phillip Kenner & Tommy C. Constantine  
Criminal Docket No. 13-607(JFB)

Dear Counsel:

Enclosed please find discovery provided by the government in accordance with Rule 16 of the Federal Rules of Criminal Procedure. This discovery supplements the discovery provided on January 16, 2014 and January 23, 2014. The government requests reciprocal discovery.

At the status conference on January 23, 2014, the government provided you with one compact disk ("CD") containing records provided by Alliance Bank. The documents are bates-numbered BNK-AB 1-1735.

Enclosed herein please find the following:

- (1) Five (5) digital versatile disks ("DVDs") containing video depositions of Philip Kenner in connection with Little Isle v. Jowdy. The DVDs are dated July 14, 2009 and December 4, 2009.
- (2) Two (2) DVDs containing video depositions of Robert Gaudet in connection with Little Isle v. Jowdy. The DVDs are dated July 2, 2009.

- (3) One (1) CD containing: (a) a recorded conversation between Philip Kenner and Tommy Constantine; and (b) recorded voicemail messages left by Tommy Constantine.
- (4) One (1) CD containing documents regarding a loan made by Centrum Financial Services, Inc. to Big Isle IV Ventures, LLC. The documents are bates-numbered Centrum 1-272.
- (5) One (1) CD containing documents provided by International Bank. The documents are bates-numbered BNK-IB 1-65.
- (6) One (1) CD containing documents provided by Charles Schwab. The documents are bates-numbered BNK-CS 1-14,242.
- (7) One (1) CD containing documents provided by Bank of Hawaii. The documents are bates-numbered BNK-BOH 1-227.
- (8) One (1) CD containing documents provided by Bank of Arizona (bates-numbered BNK-AZ 1-162); Citibank (bates-numbered BNK-CITI 1-49; and First American Title Insurance (bates-numbered FA-TITLE 1-2397).

The government will continue to provide discovery. Please do not hesitate to contact me if you have any questions or requests.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/Carrie N. Capwell  
Carrie N. Capwell  
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Enclosures

cc: Clerk of the Court (JFB) (by ECF) (without enclosures)